IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.868 OF 2006

Dinanath Harinath Rajbhar ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. P.R. Arjunwadkar for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No. I 21/2006 registered at Wagle Estate Police Station for the offence punishable under section 363, 376 of the Indian Penal Code.

3. The complaint was lodged on 18/1/2006. It is alleged that the applicant abducted the prosecutrix who was 15 years and 7 months of age and had committed rape on her. The case of the applicant is that the applicant and the prosecutrix eloped since they had a love affair and that the intention of the applicant was honourable which was reflected from the fact that he had taken the girl to her maternal uncle and the maternal uncle thereafter informed the complainant

that both of them had come to his place. The applicant's father expired two years before the incident and the applicant's mother died about 8 to 10 days before the incident. The applicant is a worker.

4. The learned Counsel appearing on behalf of the applicant submitted that the applicant is 18 years of age whereas, as submitted by the learned APP for the State, he is 22 years old. The investigation is almost over and the applicant is in jail since 18/1/2006.

5. Prima facie, it does appear that the applicant and the prosecutrix had eloped and that there was consent of the prosecutrix. In view of this fact, the applicant deserves to be released on bail.

6. In the result, the applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to Wagle Estate Police Station, Thane once in a month.

7. Application is accordingly disposed of.

V.M. KANADE, J.